

Changes to the EPCRA, CERCLA, CAA 112(r) Consolidated List of Lists

September 2021

New TRI Chemicals. Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (P.L. 116-92) (NDAA) added certain Per- and Polyfluoroalkyl Substances (PFAS) to the TRI list. Among these added chemicals are chemicals that met two criteria: (1) they were subject to a significant new use rule at either 40 CFR 721.9582 or 721.10536 on or before December 20, 2019; and (2) they were identified as active in commerce on the Toxic Substances Control Act (TSCA) Inventory that was published in February 2019. Chemicals meeting only one of the two criteria were not added to the TRI list.

The names and CASRNs for some of the chemicals listed under 40 CFR 721.9582 and/or 40 CFR 721.10536 are subject to a claim of protection from disclosure. Under Section 7321 of the NDAA, EPA must review any such chemicals before the chemicals are added to the TRI list (NDAA Section 7321(e)). Therefore, the chemicals that are subject to a claim of protection from disclosure will not be added to the EPCRA Section 313 toxic chemical list until EPA completes the process provided by Section 7321(e) of the NDAA.

Via the considerations described above, 170 chemicals were identified. Additionally, the NDAA specifically identified fourteen PFAS for addition to the TRI list. Twelve of these fourteen chemicals were among the chemicals described above; with the addition of the other two, there are a total of 172 PFAS subject to the NDAA. See Appendix E of this document.

Under the automatic listing provisions of the 2020 NDAA, three additional PFAS were added for reporting year 2021. The three new PFAS are: Silver(I) perfluorooctanoate (335-93-3), Perfluorooctyl iodide (507-63-1), and Potassium perfluorooctanoate (2395-00-8). Reporting forms on these chemicals are due July 1, 2022, for 2021 data if TRI reporting thresholds are met.

These 175 PFAS have been added to the List of Lists as separate tables both alphabetically and in CASRN order. Additional information is available at: <https://www.epa.gov/toxics-release-inventory-tri-program/addition-certain-pfas-tri-national-defenseauthorization-act>